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Book Reviews

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BOOK REVIEWS

THE ESSENTIALS OF AMERICAN CONSTITUTIONAL LAW, by Francis Newton Thorpe, Professor of Political Science and Constitutional Law in the University of Pittsburgh. G. P. Putnam's Sons, 1917, pp. 279.

This is a very readable presentation of the fundamental principles of Constitutional law. "Readable" is used advisedly because the book is written for readers rather than students of the subject. It is more a statement of principles than an exposition of their particular application. Furthermore, the principles as stated are less those which are expressed by the courts as the bases of decisions than those which inductive analysis shows to be their logical foundation. This allows of, or possibly it is the result of, an unusual point of view of the respective powers of our Federal and State Governments, and one which is at first somewhat startling. Mr. Thorpe does not follow the conventional method of treating the Federal Constitution as a grant of powers and the State Constitutions as limitations; he considers both Federal and State governments as inherently possessing all powers of "government" but both limited by their respective constitutions, and each limited, also, by those spheres of action in which the other is supreme or sole. Consistently with this idea, he frequently discusses the powers of the Federal Government in comparison or contrast with the related powers of the State governments, instead of presenting the extent and character of Federal power as something complete within itself. This view of Federal power as a supreme power limited, instead of an extraneous power partially granted, leads naturally to new concepts of its character. Mr. Thorpe ignores, for instance, the whilom assumption that there is no Federal "police power" and concludes that Congress has authority, within its limits, to legislate for the "general welfare" of the country. While the author's point of view is not altogether unique it is sufficiently out of the commonplace to made the book worth reading by lawyers as well as by laymen.

JOHN B. WAITE.

THE LAW AND PRACTICE IN BANKRUPTCY UNDER THE NATIONAL BANKRUPTCY ACT OF 1898, by William Miller Collier. Eleventh Edition, with Amendments of Statutes and Rules, and all Decisions to June 1, 1917, including Amendments to Bankruptcy Act of February 5, 1903, June 15, 1906, June 25, 1910, and March 2, 1917, by Frank B. Gilbert, of the Albany Bar. Albany: Matthew Bender & Company, 1917; pp. cxxvi, 1671.

Previous editions of this excellent work have been noted in this Review. The present edition contains references to the numerous cases decided since the publication of the tenth edition in 1914, and includes the 1917 amendment of § 17a (2) and the 1915-16 amendments of § 128 of the Judicial Code. The well known plan of the previous editions, following the arrangement of the statute itself, is maintained; the footnotes are in some instances considerably amplified, thus avoiding the objection—frequently heard with reference to the previous editions—that the references to the cited cases were rather blind. In this respect the work has been considerably improved. EVANS HOLBROOK.

